

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1223-E - ORDER NO. 96-89
FEBRUARY 12, 1996

IN RE: Petition of Duke Power Company for) ORDER
Approval of the transfer of property) APPROVING
in South Carolina.) TRANSFER
) OF PROPERTY

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Expedited Approval filed by Duke Power Company (Duke or the Company) on January 30, 1996.

On November 21, 1995, Duke filed its Petition for Approval of the transfer of two parcels of real estate in Pendleton, South Carolina under the provisions of S.C. Code Ann. §58-27-1300 (Supp. 1995). The two parcels of land are more particularly 0.20 acre at 145 Queen Street and 0.07 acre at 149 East Queen Street, Pendleton, South Carolina. On November 8, 1995, the Company listed the subject property with Barnette Realtors of Pendleton, and on November 9, 1995, the realtor posted "For Sale" signs on the property. The estimated market value, as reported in the appraisal dated October 16, 1995, is \$120,000. On November 9, 1995, Duke and Gordon Knight, Jr. entered into a contract for the sale of the property at a price of \$130,000. On December 13, 1995, Duke published a Notice of Filing in the Anderson paper, and there have

been no interventions in the matter received by the Commission. Duke then filed verified testimony of William G. Adair, Jr. attesting to the above stated matters. In its Petition, Duke requested authority in accord with the FERC Uniform System of Accounts for electric utilities that the original cost of the parcel being sold be credited as a reduction of the amounts carried upon the books of the Company under the Account 101, Electric Plant in Service. The difference between the sale price and the original cost of the parcels will be applied to Account 421.0, Gain On Disposition of Utility Property.

It should be noted that a letter of protest was filed in this matter by Mr. William Earl, dated January 12, 1996, concerning the Notice of Sale. The Affidavit of William G. Adair, Jr. dated January 29, 1996 has been filed in this Docket, indicating that Mr. Earl received notice of the sale at least as early as July 28, 1995. Mr. Earl did not intervene nor does he plan to attend any hearings in this matter.

Duke has stated although S.C. Code Ann. §58-27-1300 (Supp. 1995) requires due hearing, that since no interventions have been filed in the present Docket, no separate public hearing should or need be held on the sale of the property. Duke further notes that the sale will not adversely affect the general body of its customers. Therefore, based on its Application, Motion, Verified Testimony, and other materials, Duke requests that the Commission approve its Petition at its regularly scheduled Tuesday meeting, and waive a formal hearing in the matter.

The Commission has examined this matter, and believes that the Motion for Expedited Approval made by Duke should be granted. No interventions have been received in this matter, nor does this matter affect the general body of subscribers of the Company. The only Protestant in the matter has indicated that he would not attend any hearing. Therefore, the Commission believes that the discussion of the matter at its regular Tuesday meeting, based on the verified testimony and other materials in the record, may constitute the due hearing prescribed by the statute. Further, the Commission has examined the contents of the record in this case and agrees that the facts and conclusions as stated by Duke are correct, and that the sale of property in Pendleton, South Carolina, should be approved, with the accounting treatment as stated by Duke. Further, however, the Commission believes that the Company should flow the gain above the line in the Company's next quarterly rate of return filing with this Commission.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)